

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**DECLARATION OF DIANA HUGHES LEIDEN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO PRECLUDE
CERTAIN EXPERT TESTIMONY BY DR. KEVIN C. ALMEROOTH**

I, Diana Hughes Leiden, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner with the firm of Winston & Strawn LLP, attorneys of record for Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox") in this matter. I am a member of the bar of the State of California, and am admitted to practice before this Court *pro hac vice*. I have personal knowledge of all facts stated in this declaration, except where facts are stated on information and belief, and as to such facts I believe them to be true. If called upon as a witness, I could and would testify competently thereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Rebuttal Expert Report of Kevin C. Almeroth, Ph.D, served on May 15, 2019.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Initial Report of Plaintiffs' Expert Barbara Frederiksen-Cross, served on April 10, 2019.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Expert Report of Dr. Terrence P. McGarty, served on April 10, 2019.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the May 31, 2019 deposition of Dr. Almeroth.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Cox's Customer and Safety Abuse Operations, Residential Abuse Ticket Handling Procedures, produced by Cox as Bates No. COX_SONY_00003503.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the transcript of proceedings in *BMG Rights Mgmt. (US) LLC v. Cox Commc'ns, Inc.*, held on November 20, 2015. It appears on the *BMG* docket as ECF No. 676.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 24 day of September, 2019 in Los Angeles, CA.

/s/ Diana Hughes Leiden
Diana Hughes Leiden
WINSTON & STRAWN LLP
333 S. Grand Ave., 38th Fl.
Los Angeles, CA 90071
Telephone: (213) 615-1700
dhleiden@winston.com